

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GTECH CORPORATION,

Plaintiff,

v.

C.A. No. 04-138-JJF

SCIENTIFIC GAMES INTERNATIONAL,  
INC., SCIENTIFIC GAMES HOLDINGS  
CORPORATION, SCIENTIFIC GAMES  
FINANCE CORPORATION, and  
SCIENTIFIC GAMES CORPORATION,

Defendants.

**SCIENTIFIC GAMES' MOTION TO STRIKE GTECH'S REPLY BRIEF REGARDING  
ITS MOTION FOR RECONSIDERATION OF THE COURT'S JUNE 14th ORDER  
GRANTING DEFENDANTS' MOTION TO PRECLUDE GTECH FROM  
ASSERTING NEW CLAIMS**

Defendants Scientific Games International, Inc., Scientific Games Holdings Corporation, Scientific Games Finance Corporation, and Scientific Games Corporation (collectively, "Scientific Games") move to strike GTECH's Reply Brief Regarding Its Motion For Reconsideration Of The Court's June 14th Order Granting Defendants' Motion To Preclude GTECH From Asserting New Claims (D.I. 98).

1. GTECH filed its motion for reconsideration of the Court's June 14th Order on June 27, 2005 (D.I. 91).

2. Scientific Games filed its response to that motion on July 12, 2005 (D.I. 97).

3. Under D. Del. L.R. 7.1.5, reply briefs are not permitted in support of motions for reconsideration. *See* D. Del. L.R. 7.1.5 ("The Court will determine from the motion and answer whether reargument will be granted."); *see also StairMaster Sports/Medical Prods.*,

*Inc. v. Groupe Procycle, Inc.*, 25 F. Supp. 2d 270, 292 (D. Del. 1998) (Motions for reconsideration “should not be abused to allow a never ending polemic between litigants and the Court.’ . . . It is for this reason that Local Rule 7.1.5 . . . permits filing only one brief per side with an emphasis on brevity.”).

4. Accordingly, on July 13, 2005, counsel for GTECH sent an email “to inform the Court that briefing on Plaintiff’ Motion for Reconsideration . . . is complete and the motion is ready for decision” (Ex. A).

5. Notwithstanding its earlier email and the prohibition on reply briefs in support of motions for reconsideration under the Local Rules, GTECH filed a nine-page “Reply Brief” regarding its motion for reconsideration on July 18, 2005 (D.I. 98).

6. The Court should strike GTECH’s “Reply Brief” regarding its motion for reconsideration. *See StairMaster*, 25 F. Supp. 2d at 292 (“StairMaster, apparently anxious to get the last word, filed a reply brief while Local Rule 7.1.5 distinctly sets out that ‘the Court will determine from the motion and answer whether reargument will be granted.’”).

MORRIS, NICHOLS, ARSHT & TUNNELL

/s/ Rodger D. Smith II

Jack B. Blumenfeld (#1014)  
 Rodger D. Smith (#3778)  
 Morris, Nichols, Arsh & Tunnell  
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 rsmith@mnat.com  
 Attorneys for Defendants

July 25, 2005  
 475167

RULE 7.1.1. CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff, and that it has not been resolved.

/s/ Rodger D. Smith II  
Rodger D. Smith II (#3778)

# **EXHIBIT A**

Rodger D. Smith

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**From:** Keller, Karen [kkeller@ycst.com]  
**Sent:** Wednesday, July 13, 2005 12:33 PM  
**To:** jjf\_civil@ded.uscourts.gov  
**Cc:** Rodger D. Smith; Jack B. Blumenfeld; Ingersoll, Josy; lsoccoli@kenyon.com  
**Subject:** GTECH v. Scientific Games, C.A. No. 04-138-JJF

Dear Judge Farnan:

I am writing to inform the Court that briefing on Plaintiff's Motion for Reconsideration of the Court's June 14th Order Granting Defendants' Motion to Preclude GTECH From Asserting New Claims (D.I. 84) is complete and the motion is ready for decision.

Respectfully,

Karen E. Keller, Esq.  
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The Brandywine Building, 17th Floor  
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**CERTIFICATE OF SERVICE**

I, Rodger D. Smith II, hereby certify that on July 25, 2005, I caused to be electronically filed Defendants' Motion To Strike GTECH's Reply Brief Regarding Its Motion For Reconsideration Of The Court's June 14th Order Granting Defendants' Motion To Preclude GTECH From Asserting New Claims with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Josy W. Ingersoll  
Young, Conaway, Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, DE 19899

and that I caused copies to be served upon the following in the manner indicated:

**BY HAND**

Josy W. Ingersoll  
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**BY FEDERAL EXPRESS**

Thomas J. Meloro, Esquire  
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